

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on the below date:

Date: 9/25/06 Name: Justin B. Rand

Signature: BRINKS
HOFFER
GILSON
& LIONE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: Ian Spence et al.

Appln. No.: 10/573,235

Filed: March 27, 2006

For: Adjustable Star Wheel Conveyor

Attorney Docket No.: 12836-6

Examiner: n/a

Art Unit: n/a

[Choose Mail Stop or blank line]

Commissioner for Patents

P. O. Box 1450

Alexandria, VA 22313-1450

TRANSMITTAL

Sir:

Attached is/are:

- ☒ Information Disclosure Statement, Form PTO-1449 identifying 12 references, copies of references A5 - A12.
☒ Return Receipt Postcard

Fee calculation:

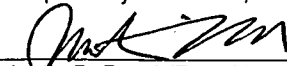
- ☐ No additional fee is required.
☐ Small Entity.
☐ An extension fee in an amount of \$ _____ for a _____-month extension of time under 37 C.F.R. § 1.136(a).
☐ A petition or processing fee in an amount of \$ _____ under 37 C.F.R. § 1.17(____).
☐ An additional filing fee has been calculated as shown below:

					Small Entity			Not a Small Entity	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Add'l Fee	or	Rate	Add'l Fee
Total		Minus			x \$25=			x \$50=	
Indep.		Minus			x 100=			x \$200=	
First Presentation of Multiple Dep. Claim					+ \$180=			+ \$360=	
					Total	\$		Total	\$

Fee payment:

- ☐ A check in the amount of \$ _____ is enclosed.
☐ Please charge Deposit Account No. 23-1925 in the amount of \$ _____. A copy of this Transmittal is enclosed for this purpose.
☐ Payment by credit card in the amount of \$ _____ (Form PTO-2038 is attached).
☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

Respectfully submitted,



Justin B. Rand (Reg. No. 48,552)

Date

9/25/06

BRINKS HOFER GILSON & LIONE

NBC Tower – Suite 3600, 455 N. Cityfront Plaza Drive, Chicago, IL 60611-5599

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: Ian Spence et al.

Appln. No.: 10/573,235

March 27, 2006

ADJUSTABLE STAR WHEEL
CONVEYOR

Attorney Docket No: 12836-6

Examiner: N/A

Art Unit: N/A



INFORMATION DISCLOSURE STATEMENT

In accordance with the duty of disclosure under 37 C.F.R. §1.56 and §§1.97-1.98, and more particularly in accordance with 37 C.F.R. §1.97(b), Applicant hereby cites the following reference(s):

No.	Date of Publication	Patentee/Applicant/Assignee
4,428,474	01/31/1984	Gau et al.
4,512,456	04/23/1985	Peyton
5,291,988	03/08/1994	Leonard
5,590,753	01/07/1997	Bertschi et al.

431 377	08/31/1967	Switzerland
DE 19903319	08/19/1999	Germany
EP 0 355 971	02/28/1990	Europe
EP 0 366 225	05/02/1990	Europe
EP 0 412 059 A1	08/02/1989	Europe
EP 0 659 683 A1	06/28/1995	Europe
WO 2005/123553 A1	12/29/2005	WIPO
WO 2005/030616 A3	04/07/2005	WIPO

Applicant is enclosing Form PTO-1449 (one sheet), along with a copy of each listed reference for which a copy is required under 37 C.F.R. §1.98(a)(2). Applicant respectfully requests the Examiner's consideration of the above reference(s) and entry thereof into the record of this application.


By submitting this Statement, Applicant is attempting to fully comply with the duty of candor and good faith mandated by 37 C.F.R. §1.56. As such, this Statement is not intended to constitute an admission that any of the enclosed references, or other information referred to therein, constitutes "prior art" or is otherwise "material to patentability," as that phrase is defined in 37 C.F.R. §1.56(a).

In accordance with 37 C.F.R. §1.98(a)(3)(i), Swiss Patent No. 431377 appears to show a conveyor system similar to a star wheel system in Figure 1. This Statement is not intended to constitute an admission that the Swiss reference constitutes "prior art" or is otherwise "material to patentability," as that phrase is defined in 37 C.F.R. §1.56(a).

Applicant has calculated no fee to be due in connection with the filing of this Statement. However, the Director is authorized to charge any fee deficiency associated with the filing of this Statement to a deposit account, as authorized in the Transmittal accompanying this Statement.

Respectfully submitted,

9/25/06
Date


Justin B. Rand (Reg. No. 48,552)

FORM PTO-1449	SERIAL NO. 10/573,235	CASE NO. 12836-6
LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT	FILING DATE March 27, 2006	GROUP ART UNIT n/a
(use several sheets if necessary)	APPLICANT(S): Ian Spence et al.	

REFERENCE DESIGNATION U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER <small>Number-Kind Code (if known)</small>	DATE	NAME	CLASS/ SUBCLASS	FILING DATE
	A1	4,428,474	01/31/1984	Gau et al.		
	A2	4,512,456	04/23/1985	Peyton		
	A3	5,291,988	03/08/1994	Leonard		
	A4	5,590,753	01/07/1997	Bertschi et al.		

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER <small>Number-Kind Code (if known)</small>	DATE	COUNTRY	CLASS/ SUBCLASS	TRANSLATION YES OR NO
	A5	431 377	08/31/1967	Switzerland		No
	A6	DE 19903319	08/19/1999	Germany		Abstract
	A7	EP 0 355 971	02/28/1990	Europe		Yes
	A8	EP 0 366 225	05/02/1990	Europe		Yes
	A9	EP 0 412 059 A1	08/02/1989	Europe		Yes
	A10	EP 0 659 683 A1	06/28/1995	Europe		Yes
	A11	WO 2005/123553 A1	12/29/2005	WIPO		Yes
	A12	WO 2005/030616 A3	04/07/2005	WIPO		Yes

EXAMINER /Mark Deuble/ (01/13/2010)	DATE CONSIDERED 01/13/2010
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.